

REMARKS

Claims 1-25 are pending in the current application. Of those, claims 1, 6, 9, 11, 13, 15, 18, and 21 are independent claims. Claims 1, 6, 9-13, 15, 18, and 21 are amended by this Response. New claims 24-25 are added by this Response. No claims are canceled by this Response.

Claim Rejections under 35 U.S.C § 101

Claims 9-12 stand rejected under 35 U.S.C. § 101 because the Examiner asserts the claim language does not comply with the requirements of MPEP 2106.01. Applicant respectfully traverses this rejection.

The Manual of Patent Examining Procedure (MPEP) provides guidance on the difference between “nonfunctional descriptive material” and “functional descriptive material”. In particular, MPEP § 2106.01 states the following:

In this context, “functional descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) “Nonfunctional descriptive material” includes but is not limited music, literary works and a compilation or mere arrangement of data.

Accordingly, Applicant respectfully submits that a “A computer readable medium having video data and additional data including graphic data and/or subtitle data,...[and] an information area storing information files for managing reproduction of the video data and the additional data” as recited in independent claim 9 stores **functional** descriptive material.

MPEP §2106.01(I) further states, regarding **functional** descriptive material, that “a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus statutory.”

The computer readable medium recited in claim 9 includes a data structure having video data and additional data and an information area, which provides information files. As recited in claim 9, the information files are for "managing reproduction of the video data and the additional data." Accordingly, claim 9 is clearly directed towards patentable, statutory subject matter. Claim 11 includes features similar to those discussed above in regards to claim 9.

In light of the above, Applicant respectfully requests that the rejection of independent claims 9 and 11, and claims depending therefrom, under 35 U.S.C. § 101 be withdrawn.

Claim Rejections

Claims 18-19 and 21-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Mori et al. (U.S. Pub. No. 2002/0095531, herein Mori). Claims 6, 8, 11, 12, 15, and 17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bauer-Schwan et al. (U.S. Pat. No. 7,187,852, herein Bauer). Claims 1-2, 4-5, 9-10, and 13-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer in view of Breen et al. (U.S. Pub. No. 2004/0078822, herein Breen). Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer in view of Breen and further in view of Nanba (U.S. Pub. No. 2003/0081931, herein Nanba). Claims 7 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer in view of Mori. Claims 20 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mori in view of Breen. Applicant respectfully traverses these rejection.

Claims 18-23

Mori discloses at paragraph [0080] "highlight data are multiplexed into the MPEG program stream, and outputting a graphic signal," "sub-picture data which are multiplexed into the MPEG program stream, and outputting a graphic signal," and "a compositor for overlaying

the graphic signal on the digital video signal.” However, Mori fails to disclose “the additional data [i.e., graphic data and/or subtitle data] **organized into presentation regions based on positions where the additional data is to be displayed**...and decoding the additional data to construct a plurality of planes including **the presentation regions**” as required by claims 18 and 21. To the contrary, Mori only discloses that highlight data and sub-picture data are multiplexed into the MPEG program stream.

Accordingly, Applicant respectfully submits that claims 18 and 21 are patentable for at least the above reasons. Further, Applicant respectfully submits that even assuming for the sake of argument Mori and Bauer, Breen, and/or Nanba are properly combinable (which Applicant does not admit), Bauer, Breen, and Nanba fail to cure the deficiencies of Mori discussed above. Still further, Applicant respectfully submits that claims 19-20 and 22-23, which depend from one of claims 18 and 21, are patentable for at least the same reasons discussed above in regards to claims 18 and 21 as well as on their own merits.

Claims 6-8, 11-12, and 15-17

Bauer discloses at FIGS. 1-2 and col. 3, lines 64-67 “an authoring system multiplexes together video information, audio information, and subpicture information to produce an integrated audio and video bit stream.” Therefore, Bauer fails to disclose “recording the additional data as **a plurality of individual, parallel streams** on the recording medium” as required by claim 6. To the contrary, Bauer discloses only a single multiplexed stream, and fails to disclose a plurality of individual streams, let alone a plurality of parallel streams. In particular, as can be clearly seen from FIG. 1 a digital Video/Audio file 120 includes a single line of video object (VOBs), each video object (VOB) comprised of a single multiplexed stream

of video, audio, control, and subpicture information, which is divided into a single line of video object units (VOBUs).

Accordingly, Applicant respectfully submits that claim 6 is patentable for at least the above reasons. Further, Applicant respectfully submits that even assuming for the sake of argument Bauer and Mori, Breen, and/or Nanba are properly combinable (which Applicant does not admit), Mori, Breen, and Nanba fail to cure the deficiencies of Bauer discussed above. Still further, Applicant respectfully submits that claims 11 and 15 include features somewhat similar to those discussed above in regards to claim 6, and therefore, claims 11 and 15 are patentable for at least somewhat similar reasons as claim 6. Applicant also respectfully submits that claims 7-8, 12, and 16-17, which depend from one of claims 6, 11, and 15, are patentable for at least the same reasons discussed above in regards to claims 6, 11, and 15 as well as on their own merits.

Claims 1-5, 9-10, and 13-14

Bauer discloses at col. 2, lines 60-62 “The DVD disc file system 110 organizes the information into one or more individual digital files as is common among computer operating systems.” Bauer further discloses at FIG. 1 and col. 3, lines 12-18 “Each video object (VOB) is comprised of a multiplexed stream of video, audio, control, and subpicture information” and “the multiplexed stream of video, audio, control, and subpicture information is divided into individual units known as Video Object Units (VOBs).” Bauer clearly does not disclose “recording the additional data on the recording medium by dividing and organizing the additional data in such a way that the additional data is included in a plurality of regions that will be overlaid on a video image constructed from the video data, the additional data divided and organized into the plurality of regions based on positions where the additional data is to be displayed” as required by claim 1.

Accordingly, Applicant respectfully submits that claim 6 is patentable for at least the above reasons. Further, Applicant respectfully submits that even assuming for the sake of argument Bauer and Mori, Breen, and/or Nanba are properly combinable (which Applicant does not admit), Mori, Breen, and Nanba fail to cure the deficiencies of Bauer discussed above. Still further, Applicant respectfully submits that claims 9 and 13 include features somewhat similar to those discussed above in regards to claim 1, and therefore, claims 9 and 13 are patentable for at least somewhat similar reasons as claim 6. Applicant also respectfully submits that claims 2-5, 10, and 14, which depend from one of claims 1, 9, and 13, are patentable for at least the same reasons discussed above in regards to claims 1, 9, and 13 as well as on their own merits.

In view of the above, Applicant respectfully requests the rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) be withdrawn.

New Claims

New claims 24-25, which depend from one of claims 1 and 9, are patentable for at least the same reasons discussed above in regards to claims 1 and 9 as well as on their own merits.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the claims in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By



Gary D. Yacura, Reg. No. 35,416

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

GDY/AAM/ame